GOVERNMENT OF KARNATAKA

SOCIAL WELFARE AND LABOUR DEPARTMENT

Labour dispute—Industrial dispute between the workmen and the Management of Hinare Estate, Kalasa Post, Chickmagalur District.

Award of the Presiding Officer, Labour Court, Hubli-21 Published.

Read the following papers.

(1) Letter No. LCH/REF/2447/74-75, dated 21st Februtry 1975, from Sri H. L. Narayana Gowda, Presiding Officer, Labour Court, Hubli.

BEFORE THE LABOUR COURT AT HUBLI

Reference ID LCH Claim No. 78/1972

Present :

Sri H. L. Narayanagowda, B.A., LL.B.,
Presiding Officer.

Date : 21st February 1975

Claimant—

Sri P. U. Gopal Krishna Nair, C/o The Secretary, Estates Staff Union of South India, Chickmagalur.

Vs.

Respondent—

The Management of Hinare Estate, Kalasa Post, Chickmagalur.

Order No. FCL 96 LLD 72, dated 2nd March 1972.

JUDGEMENT AND AWARD

The Government of Karnataka have made this reference under clause (*c*) of sub-section (1) of Section 10 of the I.D. Act 1947 (Central Act 14 of 1947) referring the dispute between Sri P. U. Gopal Krishna Nair, Ex-Writer of Hinare Estate, and the Management of Hinare Estate, Kalasa Post, Chickmagalur District, to this Court on the following points of dispute.

"1. Are the Management of Hinare Estate, Kalasa Post, Chickmagalur District, justified in terminating the service of Sri P. U. Gopal Krishna Nair, writer with effect from 1st September 1971 ?

2. If not to what relief, is Sri P. U. Gopal Krishna Nair entitled. ? "

2. The claimant in his claim statement states as follows : The claimant is a permanent staff member of the Respondent. The Respondent retrenched the service w.e.f. 1st September 1971. Necessary precedent to retrenchment as stipulated in law have not been complied with and therefore on this score alone the retrenchment is null and void. The reason given in the retrenchment order is hazy and vague. In fact the so called reorganisation is only a false pretext to get rid of the claimant. There is no trade or valid reasons for this retrenchment. The retrenchment is *mala fide* and is purely undertaken to victimise the worker. The order of retrenchment is defective in law and on the basis of which our member cannot be retrenched as an order based on defective grounds which violates the provisions of the I.D. Act and principles of natural justice is null and void. He prays that he may be reinstated in service with full backwages and continuity of service.

3. The Respondent in its written statement pleads as follows :

It does not admit that the Estate Union of South India, Chickmagalur is a recognized Union and that the claimant is a member and that the Union is empowered to bring the action on behalf of the claimant. It is true that he was appointed as writer on 22nd February 1971. It is true that his services have been terminated w.e.f. 1st September 1971. His services were terminated with a view to effect economy in the estate and is in accordance with law. After the services of the claimant were terminated again in the month of January 1972 the claimant approached the Respondent and requested to settle the

accounts. The Respondent took pity on the claimant and in that connection a settlement was arrived at between the claimant on 18th January 1972. The claimant has received Rs. 1,368-20 in full settlement of all his claims including claim for reinstatement etc. He has issued a receipt on 18th January 1972. The receipt is produced herewith. From the receipt it is clear that the amount is in full satisfaction of all his claims. After the reference was received the claimant assured the Respondent to report the matter to the Court, and get the reference rejected. The respondent believed the claimant and did not attend the Court. But subsequently the Respondent came to know that the claimant has not reported the matter to Court and has not only played fraud on the Respondent but also on Court. The claimant having received Rs. 1,368-20 in full settlement of all his claims is estopped from contending that the termination of his services is null and void. He prays that the reference may be rejected.

4. Issues are on the Respondent. But the Respondent remained *ex parte* on 12th February 1975. His case was closed. He has adduced neither oral nor documentary evidence. In support of its case the claimant has examined himself and has closed.

5. I have perused the records and heard Sri G. N. Krishnappa, learned advocate for the claimant. Sri D. L. Krishnaswamy is not heard as he retired.

6. The claimant in his evidence has stated that he was working in the Respondent estate as writer. He was getting a salary of Rs. 298 p.m. On 24th August 1971 his services were terminated. On the first week of September 1971 he came to know that his services had been terminated. He received communication from the Respondent stating that his services had been terminated as the Respondent wanted to retrench some employees for want of work. He received his salary for the month of August. He is also entitled to get house rent allowance of Rs. 50 p.m. He prays that he may be reinstated in service with full back wages and continuity of service.

7. The Respondent has not adduced any evidence to prove that the termination of services of the claimant are fully justified. So, I must reinstate the claimant back in service. But no back wages will be allowed.

AWARD

8. I order that the Respondent should reinstate the claimant in service. No back wages are allowed. Continuity of service is allowed. No costs.

Hubli, H. L. NARAYANA GOWDA,
Presiding Officer,
21st February 1975. *Labour Court, Hubli.*

Order No. SWL 56 LLA 75, Bangalore, dated 10th March 1975.

S. O. 1002.—

WHEREAS by State Government Order No. FCL 96 LLD 72, dated 2nd March 1972 the industrial dispute between the workmen and the Management of Hinare Estate, Kalast Post, Chickmagalur District, was referred to the Labour Court, Hubli, for adjudication.

AND, WHEREAS the Labour Court, Hubli, has submitted to the State Government its award in respect of the said industrial dispute.

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act 14 of 1947), the Government of Karnataka are pleased to direct the publication of the said award as above, in the *Karnataka Gazette.*

By Order and in the name of the Governor of Karnataka,

K. MYLARAPPA,
Under Secretary to Government,
Social Welfare and Labour Department.